

MHCC050029652022



**IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**

BAIL APPLICATION EXHIBIT-5
IN
REMAND APPLICATION NO.237 OF 2022

Rohit Jagannath Ahire

**R/o.: R. No.4/201, M.H.B. Colony,
Ashokvan Sanmitra Society,
Vallabh Road, Dahisar (E),
Mumbai-400 068.**

....Applicant/accused

V/s.

**The State of Maharashtra
(Through Dahisar Police Station)**

.....Respondents

Advocate Mr. Ajinkya N. Pokharkar for Applicant/original
accused.

Spl. APP Mrs. Geeta Malankar for State.

**CORAM: H.H.THE SPECIAL JUDGE,
Ms. S. J. ANSARI, (C.R.NO.11)
DATED : 9th June, 2022**

ORDER

The present application has been filed by the accused who has been arrested in Crime No.1058/2022 registered by Dahisar Police Station for the offences punishable u/s.354-D and 509 of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) and u/s.12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “POCSO Act”) for seeking bail.

2. As per the accused, he had come to be arrested on 30/05/22, after which he was produced before the Court and is now in the jail. Further, it has been contended that he is falsely implicated in the crime. It has also been stated that he is not in a position to tamper with the prosecution witnesses and looking to the nature of the allegations against him, his further detention is not required. Hence, stating that he is a permanent resident of Mumbai, that he does not have any criminal antecedents and would not abscond if released and would co-operate with the investigation as and when called for and shall also abide by all the terms and conditions imposed upon him, he is seeking his release on bail.

3. The investigating officer filed his reply (Exh.6) through the Learned APP. In terms of the same, the said application for bail has been opposed by pointing out that the offences registered u/s. 354-D and 509 of the IPC and u/s.12 of the POCSO Act are serious in nature, that the accused may commit similar offences if released, that the accused and the victim are residing in the same building, due to which he may try to pressurize her and other witnesses if released and may also abscond. The investigating officer is, therefore, seeking the rejection of the application.

4. Heard the Learned Advocate for the accused and the Learned APP for the State.

5. The material before me will *prima facie* shows that the offences in question had been registered after the father of the victim had opened some messages in his daughter's mobile phone and seen some obscene messages. On inquiring with the victim, she had informed him that the

accused had sent the said obscene messages to her and was pressurizing her to become his friend even though she was not inclined to have any friendship with him. This had then caused the victim's father to lodge the report resulting in the registration of the crime and the arrest of the accused.

6. Here, it needs to be pointed out that the accused being in judicial custody, his physical presence is not required for further investigation. It will also have to be appreciated that the offences as alleged to have been committed by the accused are punishable with imprisonment for a period which may extend to three years only. In such circumstances, as the investigating officer has not been able to place any material on record to show that the accused has any criminal antecedents or that he will abscond if released and as the apprehensions expressed by him can be dealt with by imposing appropriate conditions, I am of the view that the accused can be released on bail. Hence, I proceed to pass the following order :-

ORDER

- 1) Bail Application Exhibit-5 stands allowed.**
- 2) The accused Rohit Jagannath Ahire in Crime No.1058/2022 registered by Dahisar Police Station for the offences punishable u/s.354-D and 509 of Indian Penal Code and u/s.12 of Protection of Children from Sexual Offences Act, 2012 is released on bail on executing the Personal Bond of Rs.15,000/- and furnishing one solvent surety of the similar amount on the following conditions :**
 - a) That he shall not attempt to contact the victim or any of the witnesses or try to influence or threaten, pressurize them in any way.**

- b) The accused shall provide his registered address in Mumbai, proof of his native place and relevant contact numbers.
- c) He shall also submit the documentary proof of three of his blood relatives reflecting their proper addresses and contact numbers.
- d) He shall attend the Court regularly on the fixed date and shall not remain absent unless exempted by the Court.
- e) The Jail authority is directed to get the medical test of the accused done to see as to whether he is suspected of having COVID-19 virus.

Date : 09.06.2022

(S. J. Ansari)
Special Judge under P.O.C.S.O. Act,
Sessions Court, Borivali Division,
Dindoshi, Goregaon, Mumbai

Dictated on : 09.06.2022
Transcribed on : 10.06.2022
Checked and corrected on : 20.06.2022
Signed on : 20.06.2022
Sent to Dept. on :

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE
AND TIME : 20/06/2022 at 11.58 a.m.

Mrs. Vidya Pendharkar
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ S. J. ANSARI (Court Room No.11)
Date of Pronouncement of Judgment/Order	09/06/2022
Judgment/Order signed by P.O. on	20/06/2022
Judgment/Order uploaded on	20/06/2022